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FILED

NOV 20 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) NO. CR-07-00344 CW
12 Plaintiff,)
13 v.)
14 KENNETH EUGENE HOLLOWAY,)
15 Defendant.)

16 UNITED STATES OF AMERICA,) NO. CR-97-40059 CW
17 Plaintiff,)
18 v.)
19 KENNETH EUGENE HOLLOWAY,)
20 Defendant.)
21

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE AND
EXCLUDING TIME**

22 THE PARTIES hereto stipulate that the matter, having been
23 on calendar on November 14, 2007, be continued to December 5, 2007,
24 at 2:00 p.m.

25 The parties further stipulate that the time between
26 November 14, 2007, and the next appearance in the matter on
27 December 5, 2007, should be excluded under the Speedy Trial Act, 18
28 U.S.C. § 3161(h)(8), for effective preparation of counsel. The ends

STIPULATION AND [PROPOSED] ORDER CONTINUING CASE AND
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1 of justice outweigh the interests of the public and the defendant in
2 a speedy trial in this case. This exclusion is necessary to allow
3 time for the parties to effectively prepare and to allow for
4 continuity of counsel taking into account the exercise of due
5 diligence.

6 IT IS SO STIPULATED.

7
8 DATED: November 19, 2007.

9 /s/
BRYAN R. WHITTAKER
Special Assistant U.S. Attorney

10 DATED: November 19, 2007.

11 /s/
J. FRANK McCABE
Attorney for Defendant Holloway

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13 I hereby attest that I have on file all holograph
14 signatures for any signatures indicated by a conformed signature
15 (/s/) within this e-filed document.

16 /s/ Bryan R. Whittaker
Special Assistant U.S. Attorney


17
18
19 ORDER

20 For the foregoing reasons, the Court finds that good cause
21 is shown -- taking into account the public interest -- that an
22 exclusion of time between November 14, 2007, and December 5, 2007,
23 is warranted under the Speedy Trial Act because it will afford
24 counsel reasonable time necessary for effective preparation, taking
25 into account the exercise of due diligence. 18 U.S.C. §
26 3161(h)(8)(B)(iv). The Court finds that the ends of justice served
27 by excluding time under the Speedy Trial Act outweigh the best
28 interest of the public and the defendant in a speedy trial in the

STIPULATION AND [PROPOSED] ORDER CONTINUING CASE AND
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1 prompt disposition of criminal cases. Id. at § 3161(h)(8)(A). The
2 Court, therefore, concludes that this exclusion of time is proper
3 pursuant to 18 U.S.C. § 3161(h)(8).

4 DATED: November 20, 2007.

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6 HON. CLAUDIA WILKEN
7 UNITED STATES DISTRICT JUDGE
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STIPULATION AND [PROPOSED] ORDER CONTINUING CASE AND
EXCLUDING TIME